

 Permanent Mission
of Austria to the
United Nations in New York

**79th Session of the General Assembly
Sixth Committee**

**Agenda item 85: The scope and application of the principle of universal
jurisdiction**

**Statement by Mr. Maximilian Gorke
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Mr. / Madam Chair,

I have the honour to speak on behalf of three countries belonging to the Slavkov format (S3): Austria, Czechia and Slovakia.

Mr. / Madam Chair,

Our delegations have repeatedly stated, that universal jurisdiction is an important jurisdictional basis for the prosecution of the most serious crimes under international law in cases where jurisdiction based on the principle of territoriality or personality cannot or will not be exercised. At the same time, universal jurisdiction is distinct from the jurisdiction of international courts and tribunals. Our understanding has not changed.

Universal jurisdiction is a key component in our common fight against impunity for grave crimes that violate universally accepted values of humankind and humanitarian principles. It is vital that the international community works together to ensure that such crimes do not go unpunished, that no safe havens for perpetrators remain anywhere in the world and that we achieve deterrence for the most serious crimes condemned under international law.

A lot of confusion and misapprehension continues to exist in relation to the scope and application of the universal jurisdiction.

We would like to thank the Secretary-General and the Office of Legal Affairs for their latest report on the topic. It provides a useful overview of the submissions and views expressed by Member States on the universal jurisdiction and complements the valuable work done already with last year's report. At the same time, we would appreciate a stronger effort to identify convergences and divergences on the definition, scope and application of the principle.

In this regard, we hope that the working group will serve as a platform for constructive exchange and a forum towards a more common understanding of the universal jurisdiction.

The report contains, in its final chapter, an outline of the different proposals by Member States for the future work of the 6th Committee on universal jurisdiction. Let me reiterate that regarding the forum for discussion, we see no merit in continuing the debate in the 6th Committee as it has been done over the last years. Discussions in this committee have come to a standstill. Therefore, we believe that the only way to overcome this deadlock is to take a step back and refer the topic to the independent experts of the International Law Commission. The Slavkov states are strongly in favour of requesting a study of existing international law and practice on the universal jurisdiction by the Commission. The contributions of States on this topic delivered under this agenda item and the reports of the Secretary-General provide already useful material as a starting point for a broader analysis by the ILC. Such an analysis would enhance clarity for states and thereby improve our capacities to deal with this topic. It would be a thorough basis for further work by the 6th Committee.

It is the firm view of our delegations that this is the best avenue to continue our discussions meaningfully and reach consensus on a final outcome of the consideration of the topic by the 6th Committee. We stand ready to engage constructively thereon.

Thank you.